

Message Text

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ACTION EUR-12

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 6402

C O N F I D E N T I A L MADRID 5467

E.O. 11652: GDS

TAGS: PINT, SP

SUBJECT: A MODERATE RIGHT REACTION TO THE CORTES ACTION ON
THE PENAL CODE

REF: MADRID 5443; 5422

1. THE EVENING AFTER THE END OF THE CORTES DELIBERATIONS ON THE PENAL CODE, MODERATE OLD-REGIME RIGHTIST (ANEP) PRO-CURADOR SALVADOR SERRATS EXPRESSED THE FOLLOWING REACTIONS TO WHAT HAD OCCURRED IN A CONVERSATION WITH AN EMBASSY OFFICER.

2. HE WAS VERY PLEASED THAT THE CORTES HAD SHOWN THAT IT COULD ASSERT ITSELF. HE BELIEVED THAT AS A RESULT THE GOVERNMENT MUST NOW KNOW THAT IT WOULD HAVE TO "PACT" WITH THE CORTES (MEANING THE RIGHT) WITH REGARD TO THE REMAINDER OF THE REFORM PROCESS. WHEN QUESTIONED MORE CLOSELY ON THIS POINT, HE SAID, HOWEVER, THAT HE THOUGHT THE CONSTITUTIONAL REFORM PACKAGE THAT THE PREVIOUS GOVERNMENT HAD BEEN IN THE PROCESS OF PUTTING FORWARD AND WHICH IS STILL BEFORE THE COUNCIL OF THE MOVEMENT, WOULD BE ACCEPTABLE TO THE CORTES. SOME EXTREMISTS WOULD OPPOSE IT BUT IT COULD OBTAIN THE NECESSARY TWO-THIRDS VOTE. HE WAS OPPOSED TO THE IDEA OF A PROSPECTIVE REFERENDUM, WHICH, IN FACT, HE CONSIDERS TO BE UNCON-
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STITUTIONAL. SURPRISINGLY, HE SAID THAT ONCE THE

CONSTITUTIONAL REFORM PACKAGE WAS APPROVED, HE THOUGHT THE GOVERNMENT COULD ISSUE AN ELECTROAL LAW THROUGH THE DECREE-LAW PROCEDURE IF IT WISHED, ALTHOUGH IDEALLY IT WOULD BE BETTER FOR THE ELECTROAL LAW TO GO THROUGH THE CORTES.

3. SERRATS EXPRESSED CONSIDERABLE ANNOYANCE WITH THE "DICTATORIAL" METHODS USED BY THE CORTES PRESIDENT IN INTERPRETING PARLIAMENTARY RULES TO PREVENT DEBATE OR DISCUSSION OF THE PROPOSAL MADE BY FOUR DIFFERENT CAUCUSES. (THERE WAS CONSIDERABLE GRUMBLING DURING THE JULY 14 SESSION ABOUT FERNANDEZ MIRANDA'S DECISIONS.)

4. COMMENT: SERRATS, THOUGH ANGRY WITH FERNANDEZ MIRANDA, IS PLEASED WITH THE OUTCOME WHICH DEMONSTRATED FOR THE FIRST TIME THE ABILITY OF THE OLD REGIME RIGHT TO CLOSE RANKS. HIS ESTIMATE THAT THE GOVT WOULD OBTAIN A TWO-THIRDS VOTE FOR THE COMING CONSTITUTIONAL CHANGES IS IN QUESTION (PERHAPS HE PREDICATED THIS ON HIS THEORY OF THE PACT WITH THE CORTES RIGHT). MOST OBSERVERS BELIEVE THAT THE GOS WILL IN FACT HAVE MORE TROUBLE THAN HE INDICATED WITH ITS REFORM PROGRAM IN THE CORTES, WHICH HAS BECOME MORE UNMANAGEABLE. SOME LIBERAL DEPUTIES HAVE DEMONSTRATED -- BY THEIR NEGATIVE VOTE ON THE PENAL CODE -- THAT THEY WILL JOIN THE RIGHT IN OPPOSITION ON OCCASION IF WHAT THE GOS PROPOSES (FRANCO'S 40) SEEMS SERIOUSLY FLAWED. IN THE CIRCUMSTANCES, THERE ARE INCREASING CALLS IN THE PRESS AND AMONG SOME POLITICIANS TO NOW BY-PASS THE CORTES IN IMPLEMENTING THE GOS PROGRAM SUPPOSEDLY TO BE ANNOUNCED TOMORROW. STABLER

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